

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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| To: | TO ASS 11/11/04 | |
| BROWN, Andrew Stephen RECKITT BENCKISER PLC Group Patents Department Dansom Lane Hull HU8 7DS GRANDE BRETAGNE | TO dm 11/11/04 CASE NUMBER 11044P6 WO | |
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| RECORDED dm | Date of mailing (day/month/year) 05.11.2004 | |
| Applicant's or agent's file reference 11044P6 WO/AB | INVOICE | |
| International application No. PCT/GB 03/03425 | ACKNOWLEDGMENT International filing date (day/month/year) 05.08.2003 RENEWALS | |
| Applicant RECKITT BENCKISER N.V. et al. | IMPORTANT NOTIFICATION | |

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 71.1)

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/I/B/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

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|--|--|---|
| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized Officer Hick, N Tel. +49 89 2399-7736 |  |
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PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

| | | |
|--|---|---|
| Applicant's or agent's file reference 11044P6 WO/AB | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No. PCT/GB 03/03425 | International filing date (day/month/year) 05.08.2003 | Priority date (day/month/year) 06.08.2002 |
| International Patent Classification (IPC) or both national classification and IPC C11D1/82 | | |
| Applicant RECKITT BENCKISER N.V. et al. | | |
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application | | |
| Date of submission of the demand 22.01.2004 | Date of completion of this report 05.11.2004 | |
| Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized Officer Miller, B Telephone No. +49 89 2399-8540 | |

INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

International application No. PCT/GB 03/03425

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-23 as originally filed

Claims, Numbers

1-8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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EXAMINATION REPORT**

International application No. PCT/GB 03/03425

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-------------|-----------|
| Novelty (N) | Yes: Claims | 2,5 |
| | No: Claims | 1,3,4,6-8 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-8 |
| Industrial applicability (IA) | Yes: Claims | 1-8 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET

International application No. PCT/GB 03/03425

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Novelty (Article 33(2) PCT)

The present application does not meet the criterion set forth in Article 33(2) PCT because the subject-matter of claim 1,3,4,6-8 is not new in respect of the prior art as defined in the regulations (Rule 64(1)-(3) PCT).

Document **WO-A-97/35955** (D1) discloses (cf. table 2 and 3) detergent tablets for producing usable aqueous cleaning solutions in cleaning agent storage tanks of cleaning machines (spray extraction systems for cleaning carpets (page 15, 2. paragraph and page 18, 2nd-4th paragraph)). The cleaning tablets shown in table 2 and 3 include a nonionic surfactant and a component which releases gas on contact with water. These tablets are dissolved in a tank of a carpet cleaning machine before cleaning the carpet (page 18, 3rd-4th paragraph).

Since the intended new use of a composition is not a technical feature rendering a *per se* known composition novel, the subject-matter of claims 6-8 lacks novelty in view of document **WO-A-98/30662** (D2). D2 discloses a highly alkaline or mildly alkaline detergent composition comprising a source of alkalinity and a blend of nonionic alkoxylated surfactant and nonionic alkoxylated silicone surfactant that enhances cleaning waxy-fatty soils (claim 1). The composition may be in the form of solid block (claim 2, figure).

2. Inventive Step (Article 33(3) PCT)

2.1. Document D1, which is considered to represent the most relevant state of the art for the subject-matter of claim 5, discloses (cf. table 2 and 3) detergent tablets for producing usable aqueous cleaning solutions in cleaning agent storage tanks of cleaning machines (page 15, 2nd paragraph and page 18, 2nd-4th paragraph). The cleaning tablets shown in table 2 and 3 include a nonionic surfactant and a component which releases gas on contact with water.

These tablets are dissolved in a tank of a carpet cleaning machine before cleaning the carpet (page 18, 3rd-4th paragraph).

Whether the tablet is placed in the tank before or after the addition of water does not seem to be of any technical relevance.

Thus, the subject-matter of present claim 2 lacks an inventive step.

2.2. The subject-matter of present claim 5 differs from the process described in D1 in that

two different surfactants (a "super wetting agent" and a further surfactant) are used. The problem to be solved by the present invention according to claim 5 may therefore be regarded as to provide a more effective method for cleaning a carpet.

The solution proposed in claim 5 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

WO-A-98/14540 (D3) depicts a cleaning formulation comprising a fluoro surfactant ("a super wetting agent") and a further nonionic surfactant (claim 1) which is effective in cleaning, shows improved resoiling performance (page 6, lines 33-38).

Moreover, **WO-A-92/17634** (D4) solves the problem to provide a method to remove stains from carpet (page 3, lines 7-20) by applying a carpet cleaning composition comprising a fluorinated alkyl sulfonic acid ("super wetting agent") and a surfactant (claim 4).

It is clear from documents D3 and D4 that it was common general practice at the priority date of the present application to use carpet cleaners comprising a surfactant and an additional surfactant which improves the wetting of carpet fibers.

Such known wetting improving surfactants (e.g. fluoro surfactants, alkoxylated silicone surfactants) are used according to present claim 5 exactly for the same purpose as already described in documents D3 and D4.

In order to improve the cleaning performance of the process disclosed in D1 it is therefore obvious for the skilled person to use well known wetting agents exactly for their intended use, contrary to article 33(3) PCT.

2.3. Documents D3 and D4 address aqueous carpet cleaners. Thus, these documents can be regarded as the closest prior art for the subject-matter of present claim 6. The subject-matter of present claim 6 differs from the teaching of D3 or D4 in that a solid carpet cleaning composition is provided.

Starting from documents D3 or D4 as closest prior art, the problem to be solved can be regarded as to provide easier handling of the cleaning composition (to provide so called convenience products: easier to handle for the consumer, easier to transport). Since it is common practice to provide cleaning compositions (e.g. for dish washers, laundry, dental cleaning, etc.) in form of a tablet or powder, it is obvious for the skilled person to offer a known carpet cleaner composition also in form of a tablet.

Moreover, it is already indicated in D1 that solid carpet cleaners can be used (page

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2, lines 1-17, page 18, lines 5-8) and also the advantages of a effervescent system are already described by D1 (page 3, lines 18-23).

Thus, the subject-matter of present claims 6-8 lacks an inventive step in view of D3 and D4.

3. Certain observations on the international application

- 3.1. The terms "super wetting agent" (claim 5) and "wetting agent" (claim 6) are vague and undefined and thus render the scope of claims 5 and 6 unclear (article 6 PCT), since it is not discernible which compounds are regarded as wetting agent or super wetting agent (is a wetting agent also a super wetting agent?)

- 3.2. With respect to the parameter indicated in claims 5 and 6 the following is stated. Since documents D1-D4 address carpet cleaners and use the same type of surfactants as the present application, the surface tension requirement is regarded to be fulfilled implicitly by the teaching of said documents. Measuring a new parameter of a known composition does not render a composition novel or inventive (in particular without indication of the importance of such a parameter).